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CANADA AND ABORIGINAL PEOPLE

BUILDING A NEW PARTNERSHIP

"The place of Aboriginal peoples in the growth and development of Canada is a litmus test of our beliefs in fairness, justice and equality of opportunity."

Creating Opportunity: The Liberal Plan for Canada
September 1993

"We must move beyond the realm of the rhetorical. We can together decide to change the course of history by altering in a very fundamental way the relationship in this country between First Nations and Canadian society."

Ovide Mercredi,
Grand Chief of the Assembly of First Nations
February 8, 1994

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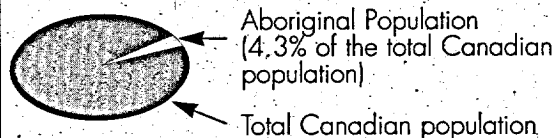
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Ministère des Affaires étrangères
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THE NEED FOR CHANGE

Aboriginal people have occupied the territory now called Canada for the past 40 000 years. Many diverse and autonomous Aboriginal nations lived in the territory as hunters and gatherers for most of that time. However, in the 18th and 19th centuries, contact with the Europeans began to change traditional Aboriginal ways of life forever. For the next century, governments pursued successive

ABORIGINAL PEOPLE AS A PERCENTAGE OF THE CANADIAN POPULATION



Source: Statistics Canada, 1991 Census

strategies to assimilate Aboriginal people into the larger non-Aboriginal society. These policies often had the opposite effect, and contributed to decades of political, economic and cultural decline among Aboriginal nations.

However, in the early 1950s Canada began to introduce policies designed to improve conditions for Aboriginal people. Over the next four decades Aboriginal people saw improvements to health and living conditions, local economies and education. Governments also began to transfer ownership and management of land and natural resources. Today, Aboriginal people in Canada have all the civil, legal and political rights enjoyed by other Canadians, as well as Constitutional recognition of their special treaty and Aboriginal rights.

Although conditions for Aboriginal people have improved significantly, much work remains to be done. In recognition of this, the Government of Canada is pursuing a number of initiatives to address outstanding issues and fulfil commitments that have been made to Aboriginal people. The basis for this effort is the Government's pledge, as articulated in the policy document *Creating Opportunity: The Liberal Plan for Canada*, to build a new partnership with Aboriginal peoples that is based on trust, mutual respect and participation in the decision-making process.

A NEW APPROACH

"It is time for a change. We must define and undertake together creative initiatives designed to

achieve fairness, mutual respect, and recognition of rights."

Creating Opportunity: The Liberal Plan for Canada
September 1993

The Government's new approach is to ensure that Aboriginal people have the necessary tools to become self-sufficient and self-governing within the Canadian federation. Toward this end, the Government is working with Aboriginal people to address the obstacles to their development and enable them to marshal the human and physical resources needed to build and sustain vibrant communities.

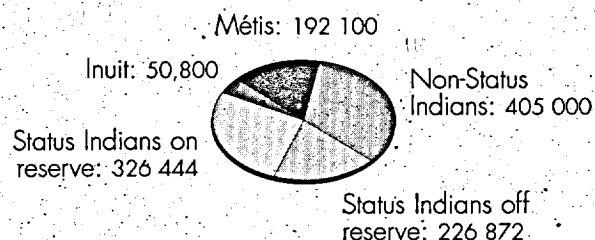
The Government's goal is a future where:

- Aboriginal people enjoy a standard of living and quality of life and opportunity equal to those of other Canadians;
- Aboriginal people live self-reliantly;
- all Canadians are enriched by Aboriginal cultures and are committed to the fair sharing of the potential of their nation;
- Aboriginal children grow up in secure families and healthy communities, with the opportunity to take their full place in Canada.

WHO ARE THE ABORIGINAL PEOPLE OF CANADA?

Canada's Aboriginal population is estimated at about 1.2 million, or approximately 4.3 per cent of the overall Canadian population of 28 million.

ABORIGINAL PEOPLE BY GROUP



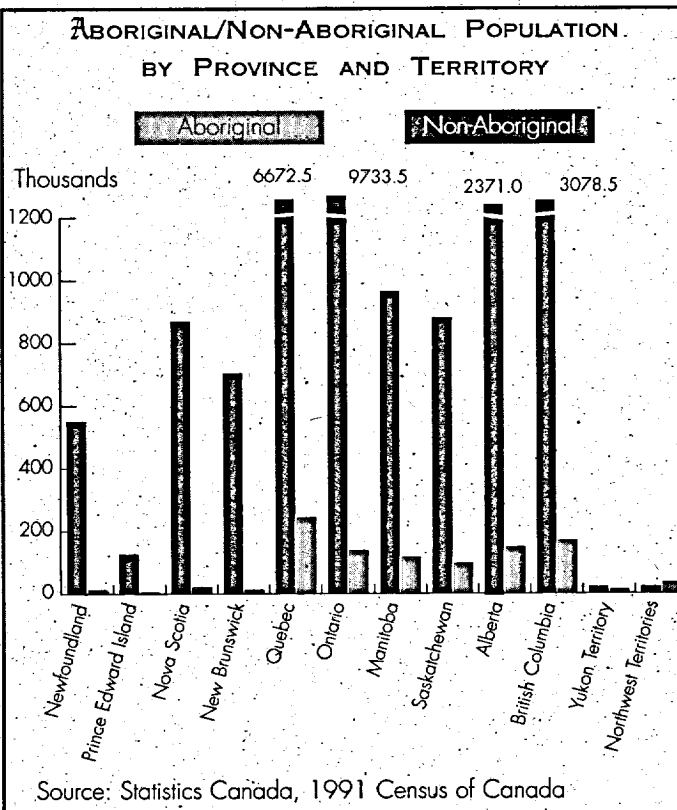
Source: Statistics Canada, 1991 Census

The Canadian Constitution recognizes three groups of Aboriginal people: *Indians*, *Inuit* and *Métis*. Although they share much in common, these are separate Aboriginal groups with unique heritages, languages, cultural practices, spiritual beliefs and contemporary concerns.

Within the Indian population, there are both *Status* and *Non-Status* Indians. Status Indians, who are also referred to as "First Nations people", are those who have been "registered" under federal legislation. Registration entitles individuals to certain benefits, including the option to live on reserves, special areas of land that have been set aside by the Government of Canada for the sole use and benefit of Indian bands (formally recognized groups of Indians). There are about 2300 reserves across Canada, comprising over 2.8 million hectares of land — an area almost as large as Belgium. About 60 per cent of status Indians live on reserves.

The remaining Status Indians, as well as Non-Status Indians, live off reserves, often in urban centres. In fact, a larger proportion of the overall Indian population (Status and Non-Status combined) now lives in urban centres than on reserves. The vast majority of Inuit live in small communities scattered throughout the eastern Arctic region of the Northwest Territories and along the coastlines of northern Quebec and Labrador. The majority of Métis are concentrated in the three Prairie provinces of Manitoba, Saskatchewan and Alberta, where there are many predominantly Métis communities.

Historically, Aboriginal people were as diverse in their lifestyles, political systems, customs and beliefs as the people of the different countries of Europe, Asia and

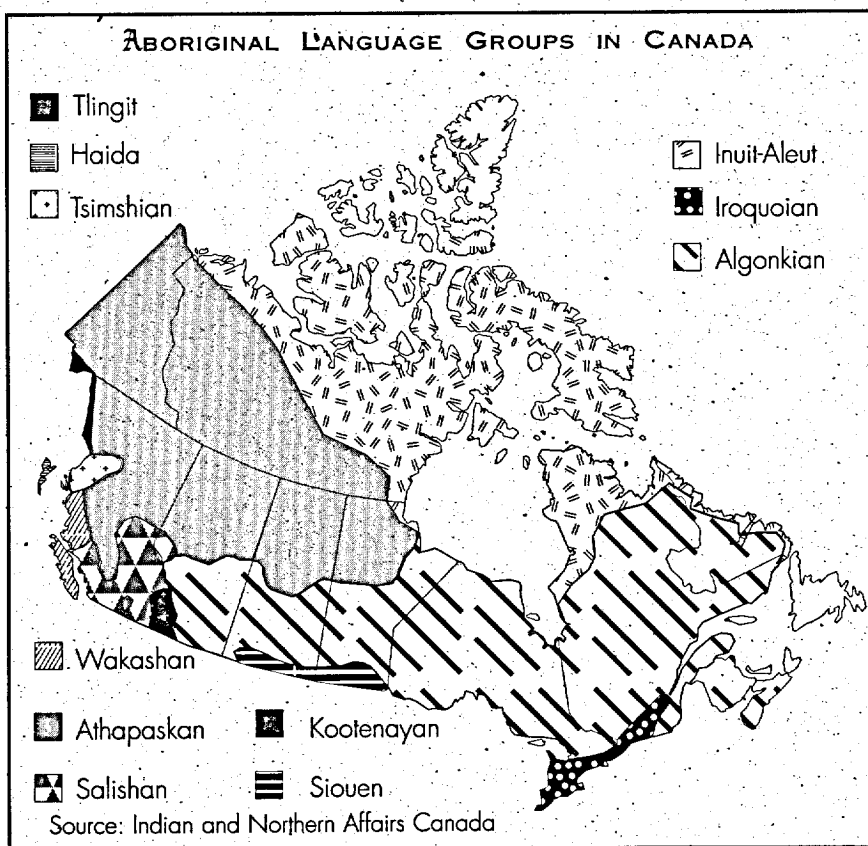


Africa. These differences remain evident today, and are reflected in the existence of several Indian cultural areas in Canada, each composed of a number of "tribes" or "nations" that continue to have their own distinct customs, beliefs and concerns. The Inuit form a separate cultural area in the North. The Métis, who also have a unique culture, are persons of mixed Indian and European ancestry.

Further evidence of the diversity of Aboriginal people can be found in the existence of 11 major linguistic families, each consisting of individual but related languages. In total, more than 50 Aboriginal languages exist in Canada (see map).

ACKNOWLEDGING THE PAST

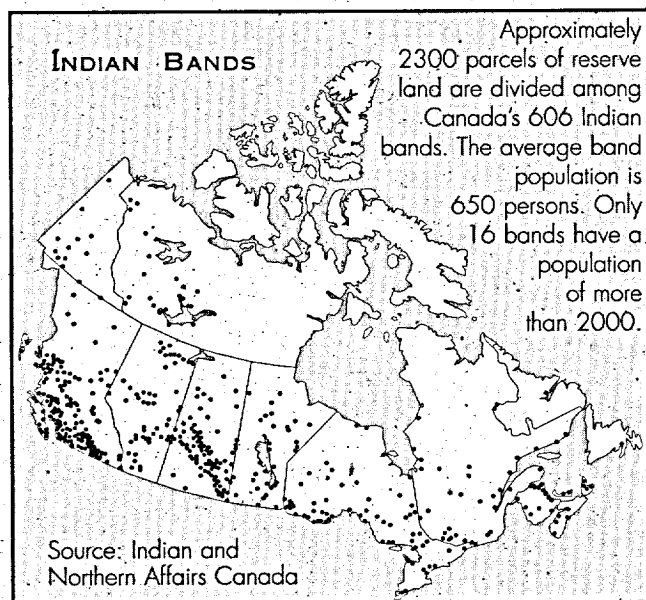
For Aboriginal people, one of the most important documents in Canada's history is the *Royal Proclamation of 1763*. Among other things, this Proclamation decreed that only the British Crown could deal with Indians on land matters. Since that time, governments have sought to



make legally binding agreements with Aboriginal groups to clarify the interests of each party:

One way that governments dealt with Indians on land matters was by signing treaties. Under these legally enforceable agreements, various Aboriginal groups exchanged undefined rights to specified areas of land for defined, written rights and benefits. Treaties were used by the Crown to clear lands of Aboriginal title so that settlement or resource development could proceed. Between 1763 and 1923, more than 50 land-cession treaties were signed with Indian groups in Canada.

A key provision of many of these treaties was that Indians would have their own land base, or reserve lands. For many groups, however, settlement in a permanent community was a new and alien concept. Curtailing their traditional hunting and fishing activities made them increasingly dependent on non-traditional sources of food and government support. As well, the



crowding of nomadic people into permanent communities often led to poor sanitary conditions that fostered the spread of disease.

A PERIOD OF SUPPRESSION AND ASSIMILATION

The period between the mid-1800s and mid-1900s was one of severe decline for many Aboriginal people in Canada. The first *Indian Act* was passed in 1876, and for the next 75 years this legislation was used to regulate all aspects of life on reserves, leaving Indians with little or no control over even the most basic decisions. Amendments to the act in 1951 brought about major changes in the relative powers of the Government and Indian people. Nevertheless, many

of the *Indian Act's* restrictive provisions remain in place today, and are of concern to both the Government and Indian leaders.

As the social and economic conditions of Aboriginal people worsened, their dependence on non-Aboriginal governments grew. During this era, Aboriginal people suffered through long periods of neglect and mistreatment, interspersed with well-intentioned but misdirected efforts to assimilate them into non-Aboriginal society. During one period in Canadian history, Indian children were routinely removed from their families and placed in "residential" schools, often hundreds of kilometres away. Although these children received an education, they were forbidden to speak their native language or practise their native traditions and, in some cases, were the victims of abuse.

THE ABORIGINAL RESURGENCE

Shortly after the end of World War II, Aboriginal leaders began to be heard. Arguing for equality rather than assimilation, they successfully pressed governments for action. By the mid-1960s, there were signs of improvements in the social and economic conditions of Aboriginal people. Health services were enhanced, and many more Aboriginal children had access to schooling, including secondary and post-secondary education. As well, by the end of the 1960s, Aboriginal people had obtained the same political and legal rights as other Canadian citizens, and an Aboriginal economy was developing.

THE REALITY OF TODAY

"Across Canada today, there's a sense of freedom amongst our people We are free because we have an opportunity to become part of this country."

Jim Sinclair,
President of the Congress of Aboriginal Peoples
August 13, 1994

Progress in addressing Aboriginal issues has been particularly evident over the past 20 years, as Indian, Inuit and Métis people have acquired a powerful political voice and widespread support among the Canadian public. Governments have also increasingly acknowledged their historical and contemporary obligations to Aboriginal people, and a number of key court decisions have substantiated Aboriginal positions.

Tangible evidence of the gains made to date can be found in virtually all socio-economic areas:

- The health conditions of Aboriginal people continue to improve, largely as a result of better living conditions, increased access to quality health care, and greater community involvement in health education and delivery.
- Over the past two decades, experts have noted a general increase in Aboriginal student attendance and performance. Progress has been particularly noticeable at the post-secondary level, where each year some 23 000 Indian and Inuit students receive education support through a special federal program.
- Since 1989, the federal government has extended financial support to several thousand Aboriginal businesses. In a 1991 survey, more

than 18 000 Aboriginal people indicated that they own or operate a business, many of which are located in Aboriginal communities where they are providing much-needed employment and income to economically depressed areas.

Aboriginal people and the federal government have worked together to achieve these and other improvements. Since 1983, federal spending on Aboriginal programs has more than doubled — despite the Government's overall commitment to fiscal restraint — and is now in excess of \$5.8 billion per year. At the same time, Aboriginal people have increased their control over how this money is spent, and have assumed responsibility for delivering many social and health-care services. For example,

COMPREHENSIVE LAND-CLAIM SETTLEMENTS: MODERN-DAY TREATIES

Although treaty making was widespread and continued in some parts of Canada well into the 1900s, not all Aboriginal groups have signed treaties. This has led to the negotiation of comprehensive land-claim agreements, a process that has been described as a modern form of treaty making.

The negotiation of comprehensive claims is one way in which Canada is building a new partnership with Aboriginal people. Comprehensive claims are based on the assertion of continuing Aboriginal title to lands and natural resources. Comprehensive claims negotiations are intended to result in agreements that define clear, certain and long-lasting rights to lands and resources for both Aboriginal and non-Aboriginal peoples.

As of January 1995, 10 comprehensive claim settlement agreements had been signed, most of which are now being implemented (some are awaiting proclamation of legislation). These are:

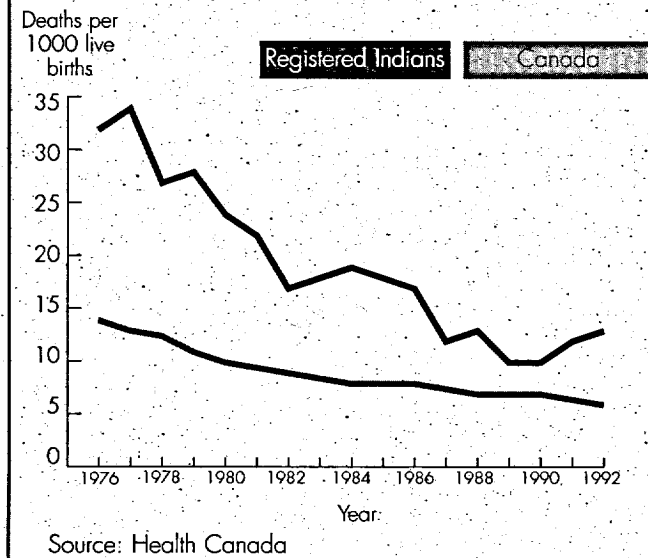
- the James Bay and Northern Quebec Agreement with the Cree and Inuit of northern Quebec (1975);
- the Northeastern Quebec Agreement with the Naskapi of northern Quebec (1978);
- the Inuvialuit Final Agreement with the Inuvialuit of the western Arctic (1984);
- the Gwich'in Agreement with the Gwich'in of the western Arctic (1992);
- the Tungavik Federation of Nunavut Agreement with the Inuit of the eastern Arctic (1993);

- agreements with four Yukon First Nations — the Vuntut Gwich'in First Nation, the Champagne and Aishihik First Nations, the First Nation of Nacho Nyak Dun and the Teslin Tlingit Council — under the Council for Yukon Indians Umbrella Final Agreement (1993); and
- the Sahtu Dene and Métis Agreement with the Dene and Métis in the Sahtu region of the western Arctic (1994).

Together, the 10 settlement agreements provide 49 000 Aboriginal people with ownership of 560 024 square kilometres of land — an area larger than France. As well, the 10 agreements provide for a total of \$1.786 billion to be transferred to Aboriginal groups that have completed settlement agreements. This money is being used by Aboriginal communities to build an economic base and improve their standard of living. Numerous other rights are provided in the settlement agreements, including wildlife harvesting rights, guaranteed Aboriginal participation in decision-making processes and first option for Aboriginal people on certain economic development opportunities. These rights have the same status and constitutional protection as treaty rights.

Negotiations on 11 additional comprehensive claims are under way. In the province of British Columbia, over 40 Statements of Intent to negotiate have been filed with the British Columbia Treaty Commission by Aboriginal groups representing more than two-thirds of the 196 B.C. First Nations. The Commission is an arms-length, tripartite body (Canada, the Government of British Columbia and First Nations) that has been set up to facilitate the negotiation of treaties in British Columbia. Negotiations are under way with those Aboriginal groups that have been assessed by the Commission as being ready to proceed.

INFANT MORTALITY, INDIAN AND CANADA 1960 - 1991



Aboriginal people are now responsible for administering more than 80 per cent of the annual budget of the Indian and Inuit Affairs Program of the Department of Indian Affairs and Northern Development. Today, the department is primarily a funding agency providing transfer payments to allow Aboriginal peoples to deliver community services more suitable to their memberships.

BUILDING A NEW PARTNERSHIP

Aboriginal people and the federal government continue to work together to build a new partnership and a better future for Indian, Inuit and Métis people. The commitments set out in *Creating Opportunity: the Liberal Plan for Canada* are providing a framework for these efforts. Meeting these commitments will result in a better standard of living for Aboriginal people, stronger and more self-reliant Aboriginal communities, and more effective Aboriginal governments that are accountable to their people.

Since October 1993, the Government of Canada, working in partnership with Aboriginal people, has undertaken a number of initiatives to fulfil the commitments set out in *Creating Opportunity*. For example:

- The Government has stated that it will act on the premise that the Aboriginal people of Canada's inherent right of self-government is an existing Aboriginal or treaty right within the *Constitution Act, 1982*. A national discussion process has been undertaken on how this should be implemented. At the same time, the Government continues to support initiatives across the country

that will help move Aboriginal people toward self-government.

- The Government has begun the process of dismantling the Department of Indian Affairs and Northern Development in favour of transferring responsibility, authority and accountability to First Nations. In December 1994, a far-reaching framework agreement was signed with First Nations in the province of Manitoba to begin to dismantle the department's regional operations and recognize the authority and accountability of First Nations governments in the province. This agreement marks the beginning of a fundamentally new relationship between the Government and Manitoba First Nations.
- As part of its effort to develop a comprehensive national Aboriginal Health Policy, the Government has taken steps to address the most severe health and social problems that are currently afflicting Aboriginal communities. Through the *Building Healthy Communities* strategy announced in September 1994, the Government is providing a total of \$243 million in additional funding over the next five years to address priority needs in the areas of solvent abuse, mental health and home-

SPECIFIC CLAIMS AND TREATY LAND ENTITLEMENTS

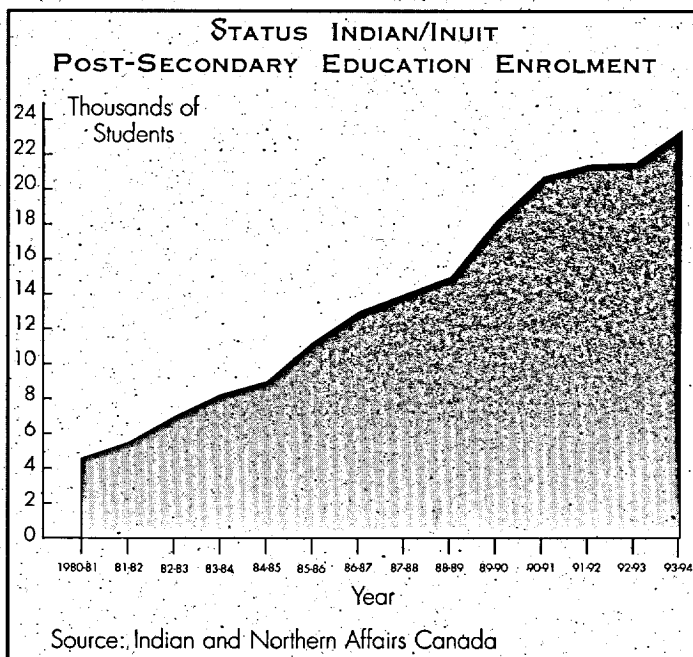
As previously noted, 10 comprehensive land claims have been settled, most within the past three years. Comprehensive claim negotiations have advanced to critical stages with a number of groups, and several more settlements are anticipated in the near future.

"Specific claims" are another type of Aboriginal claim accepted by the Government of Canada. Most specific claims allege improper or unlawful administration of Indian lands by the Government, and they may be based on events that occurred more than 100 years ago. As of April 1993, the Government of Canada had received 584 specific claims. By December 1994, 312 of these had been resolved. Of this number, 127 were resolved through settlements and 185 were concluded by other means, including the rejection of claims where no lawful obligation could be established.

Outstanding progress has also been made in resolving "treaty land entitlements" especially for 27 First Nations in the province of Saskatchewan. Treaty land entitlements are based on the fact that certain Indian bands in the western provinces have never received the full allotment of land due to them under their treaties. At the current settlement rate, it is expected that all claims of this nature in the western provinces of Canada will be resolved by the end of 1998.

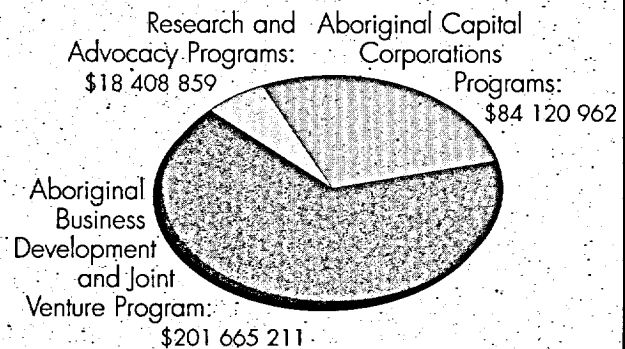
care nursing. Aboriginal community leaders are directly involved in the design and delivery of these programs.

- A Head Start program has been established for Aboriginal families with preschool children who live in urban centres and large northern communities. This program will provide child care, nutritional counselling for parents and help for children under the age of five to cultivate the skills needed to succeed in school and, eventually, in the workforce. As well, the Government has fulfilled its commitment to triple the number of bursaries and scholarships available for training Aboriginal health professionals.
- The Government has strengthened its support for Indian and Inuit post-secondary education by increasing funding by \$20 million in 1994-95, bringing total spending to \$247.3 million for the year.
- Steps have been taken to improve social and economic conditions in Aboriginal communities. For example, the Government has committed \$30 million over two years for Aboriginal community infrastructure projects. As well, the Government is working with Aboriginal people to develop policy options that will enable them to assume full responsibility for housing programs and to maximize the potential economic benefits this would bring to the community. It is also exploring ways to improve support for Aboriginal economic development, including changes to existing programs and new initiatives in such areas as resource co-management, the transfer of responsibility for oil and gas administration to First



ABORIGINAL BUSINESS CANADA

Authorized Assistance for Approved Projects from September 1989 to January 1995



Source: Industry Canada

Nations, and improved access for Aboriginal people to business capital.

- The Government is continuing to support alternative justice initiatives to determine which approaches best meet the needs and cultural traditions of Aboriginal people.

SELF-GOVERNMENT

"The recognition of the inherent right of self-government by the federal and provincial governments is an irreversible and defining moment in Canadian history."

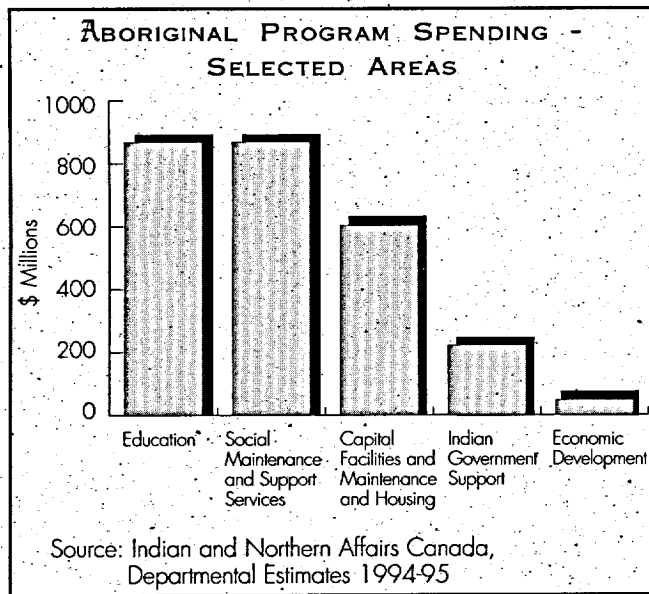
Rosemarie Kuptana,
President of the Inuit Tapirisat of Canada
April 5, 1994

One of the principal aspirations of Aboriginal people in Canada today is to become self-governing. The federal government agrees that self-government is a vital step to a better future for Aboriginal people, and it is firmly committed to making this goal a reality.

Canada already has working models of Aboriginal self-government. The Cree and Naskapi Indians of Northern Quebec were the first Aboriginal groups to negotiate self-government; they did so as a result of their land-claim agreements. In 1986, the Sechelt Band of British Columbia negotiated a community-based self-government arrangement. Four Yukon First Nations have also negotiated self-government agreements with the federal and territorial governments. Legislation bringing these agreements into effect was introduced to Parliament in May 1994 and received Royal Assent in July 1994.



As previously stated, the Government of Canada is prepared to act on the premise that the inherent right of self-government is an existing Aboriginal or treaty right within the *Constitution Act, 1982*. The Government is currently developing a process for discussions on self-government with Aboriginal people and the provincial/territorial governments. It is anticipated that many more Aboriginal communities will achieve self-government in the future, to their benefit and the benefit of all Canadians.



NUNAVUT

In June 1993, an act of Parliament was proclaimed providing for the creation by April 1, 1999, of a new territory called Nunavut (an Inuktitut word for "our land") in what is now the eastern part of the Northwest Territories. This was a key provision of the Tungavik Federation of Nunavut land-claim settlement agreement. In this region of Canada, 85 per cent of the population is Inuit. As a result, the Inuit will effectively control their own form of public government in Nunavut, a government that over time will have powers in such areas as justice, finance, economic development, education, health and social services, resource development and capital works.

A Nunavut Implementation Commission has been established to advise governments and Nunavut Tungavik Inc., the Inuit organization established to administer the land-claim settlement agreement, on such issues as capital infrastructure needs, selecting a capital, the design of the new government and a process for the first election of the new territorial assembly.

The new territory will face many challenges, including a young work force with high levels of unemployment, low education levels, low average incomes and high

costs for goods and public services. Nevertheless, the creation of Nunavut will give residents greater control over decisions on how to meet these challenges. The formation of a new government and settlement of the Inuit land claim will also help stimulate the region's economy and create public-sector jobs.

THE ROYAL COMMISSION ON ABORIGINAL PEOPLES

Since April 1992, the Royal Commission on Aboriginal Peoples has been examining the economic, social and cultural situation of Aboriginal people in Canada through a process of extensive public hearings and the most in-depth research program ever undertaken on Aboriginal issues.

"(The Royal Commission's hearings) will contribute to the reconciliation of Aboriginal and non-Aboriginal people; a reconciliation that must occur if Canadians are to build a new relationship between First Peoples and those who have joined them in this land."

Georges Erasmus,
Cochair, Royal Commission on Aboriginal Peoples
April 21, 1992

The Royal Commission is unlike any other commission of inquiry into Native issues in that a majority of its members are Aboriginal. It is being co-chaired by one of the most prominent Aboriginal leaders in Canada — Georges Erasmus, a Dene Status Indian — and has representatives of Inuit, Métis and off-reserve Indian people. The Commission is expected to report in late 1995 or early 1996.

LOOKING TO THE FUTURE

Much work remains to be done to correct the wrongs of the past and to build a new partnership between the Government of Canada and Indian, Inuit and Métis people. At the same time, all parties have demonstrated a sincere commitment to work together to achieve these goals. For that reason, continued progress is anticipated in the months and years ahead. ■

